

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MICHELE MOSS,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:06CV00832 SNL (AGF)
)	
JO ANNE B. BARNHART,)	
Commissioner of Social)	
Security,)	
)	
Defendant.)	

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Currently before the Court is Defendant's motion to reverse and remand this Social Security disability case pursuant to sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g). This action was referred to the undersigned United States Magistrate Judge under 28 U.S.C. § 636(b) for recommended disposition.

Following a hearing on Plaintiff's application for disability insurance benefits and Supplemental Security Income, an Administrative Law Judge (ALJ) found that Plaintiff was not disabled. The decision of the ALJ became the final decision of the Commissioner of Social Security, and Plaintiff sought judicial review of the adverse ruling. The Commissioner now states that agency counsel asked the Appeals Council of the Social Security Administration to reconsider the Commissioner's decision, and that upon review, the Appeals Council determined that remand was appropriate for further consideration of Plaintiff's claims. The Commissioner asserts that upon remand by the

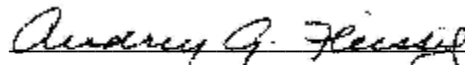
Court, the Appeals Counsel will remand the case to the ALJ to properly formulate Petitioner's residual functional capacity and to obtain testimony from a vocational expert to assist in determining whether Plaintiff is disabled. Plaintiff's counsel has represented to this Court that he has no objections to the Commissioner's motion to reverse and remand.

Title 42 U.S.C. § 405(g) provides, "[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing." The Court finds that the Commissioner has made a sufficient showing of good cause to reverse and remand this case for further action.

Accordingly,

IT IS HEREBY RECOMMENDED that Defendant's motion to reverse and remand the case to the Commissioner for further consideration and development of the record be **GRANTED**. [Doc. #18]

The parties are advised that they have eleven (11) days, to and including January 9, 2007, to file written objections to this Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1), unless an extension of time for good cause is obtained.


AUDREY G. FLEISSIG
UNITED STATES MAGISTRATE JUDGE

Dated this 29th day of December, 2006.